



04-21-03

Ser. No.: 09/084,787
Page 1 of 5
3663
#39
Petition
W. J. Armstrong
5/18/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Shinichirou Harasawa, et al.
Title : INPUT MONITORING SYSTEM FOR OPTICAL AMPLIFYING REPEATER
Serial No. : 09/084,787
Confirmation No. : 5949
Filed : May 21, 1998
Examiner : Moskowitz, Nelson
Group Art Unit : 3663

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 pursuant to 37 CFR 1.10, on the date shown below as

Express Mail Receipt No. EV105509573 US
Name: E. Valerie Ward-Armstrong
Signature: _____
Date: April 15, 2003

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 15, 2003

RECEIVED
APR 23 2003
GROUP 3600

PETITION UNDER 37 CFR 1.181(A)
REQUESTING
WITHDRAWAL OF HOLDING OF ABANDONMENT

To the Commissioner for Patents:

In communications with Examiner Nelson Moskowitz of Group Art Unit 3663, it was brought to the Applicant's attention that an Office Action dated September 10, 2002 was issued for the above-referenced application. Applicant never received the Office Action dated September 10, 2002 and thus was not able to file a timely response to the Office Action. In view of this, Applicant hereby respectfully requests that the holding of abandonment of the current application be withdrawn and that the current application be returned to prosecution for re-issuance of the Office Action dated September 10, 2002.

On March 18, 2003, as a courtesy, Examiner Moskowitz contacted Applicant's attorneys to inquire as to whether it was intentional that a response to the Office Action of September 10, 2002 was not filed within the six-month period for response. It was at that time that Applicant first became aware that an Office Action was issued on September 10, 2002 for this application. Since Applicant was not aware of the issuance of the Office Action, a timely response was not filed by the Applicant to the September 10, 2002 Office Action and this application has become abandoned. However, Applicant has not yet received a Notice of Abandonment for this application.

In support of the current petition for withdrawal of the holding of abandonment, Applicant is enclosing herewith a declaration by Applicant's undersigned attorney of record attesting to the non-receipt of the Office Action dated September 10, 2002.¹

Applicant is also enclosing a copy of the front cover of Applicant's attorneys' file jacket on which docketed actions are noted for the current application and a print-out from the Applicant's attorneys computerized docketing system of actions due for the current application. Had Applicant's attorneys received the Office Action dated September 10, 2002 the three-month due date for response to the Office Action, as well as due dates for response to the Office Action with a petition for one-month extension of time, a two-month extension of time, or a three-month extension of time would have been entered on both the attorneys' file jacket and computerized docketing system.

¹ On March 18, 2003, Examiner Moskowitz faxed Applicant's attorneys a copy of the Office Action dated September 10, 2002. However, Applicant did not receive any copies of the Office Action prior to Examiner Moskowitz' March 18, 2003 fax.

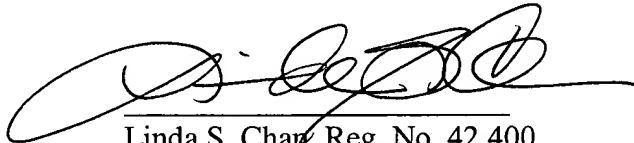
The file jacket cover and the print outs from applicant's computerized docket show that no docketing notation was entered for response to the September 10, 2002 Office Action. As can be seen from the print-outs from the Applicant's attorneys' computerized docketing system, docketing entries were made for internal checks on the application including following up on receipt of the return postcard, application status check, foreign filing reminders and due dates, information disclosure statement due dates and reminders, and docketing of an internal due date for filing of the current petition, as well as due dates for past Office Actions.

Applicant respectfully requests that the holding of abandonment be withdrawn and the Office Action dated September 10, 2002 be re-issued and the time for filing response to the Office Action be reset.

It is believed that no fee is due with this petition. However, if any fee is due with this paper, the Commissioner is hereby authorized to charge such fee on Deposit Account No. 50-1290.

Any inquiries regarding the current petition may be directed to Applicant's undersigned attorney of record, who may be reached directly by telephone at (212)940-8712.

Respectfully submitted,



Linda S. Chan, Reg. No. 42,400
Attorney for Applicant

Attorney Docket No.: **FUJH 13.010A (100794-10141)**

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022-2585
Phone: (212)940-8800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Shinichirou Harasawa, et al.
Title : INPUT MONITORING SYSTEM FOR OPTICAL
AMPLIFYING REPEATER
Serial No. : 09/084,787
Confirmation No. : 5949
Filed : May 21, 1998
Examiner : Moskowitz, Nelson
Group Art Unit : 3663

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Express Mail Receipt No. 105569573/ps
Name: G. Valencia Ward-Armstrong
Signature: [Signature]
Date: April 15, 2003

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

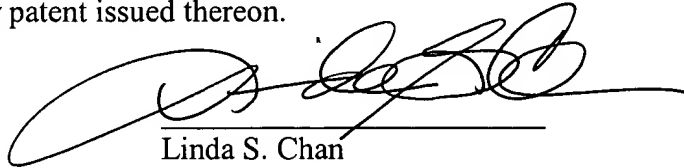
**STATEMENT OF LINDA S. CHAN IN SUPPORT OF
PETITION UNDER 37 CFR 1.181(A)**

I, Linda S. Chan (Reg. No. 42,400), hereby declare that:

1. I am an attorney of record for the above-identified patent application.
2. I did not receive the Notice of Allowance for the above-identified patent application
3. A search of the file jacket and docket records indicates that the Office Action dated September 10, 2002 was not received prior to the Examiner's courtesy fax of March 18, 2003 (after the due date for response to the Office Action).
4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like

so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: April 15, 2003



Linda S. Chan



THIS FILE
CONTAINS
BOTH PARENT AND
CONTINUING
PROSECUTION
APPLICATIONS

100794-
10141

MM *sm*

INVENTOR Shinichiro HARAOKA, et al. 100794-10141
SERIAL NO. 0910841787 FILED 5/21/1998

TITLE Invent Monitoring System for Optical
Amplifying Repeater
SIGNEE Fujitsu Limited

ASSIGNMENT RECORDED _____ REEL _____ FRAME _____

OFFICE ACTIONS	AMENDMENTS
Mailed DKT I II III 7/21/98 <i>sm</i> <i>is</i>	9/27/99 <i>is</i> <i>dh</i>
Mailed DKT I II III 10/16/98 7/16/98 <i>sm</i> <i>is</i> 8/16/98 <i>sm</i> <i>is</i>	11/16/99 12/16/99 1/16/00 2/16/00
Mailed DKT I II III 2/19/99 5/19/99 <i>dh</i> 8/9/99 <i>dh</i>	3/16/00
Mailed DKT I II III 9/23/00 <i>is</i> <i>dh</i> 12/31/00 <i>is</i> <i>dh</i>	Mailed DKT I II III 3/17/00 <i>is</i> <i>dh</i> 6/17/00 <i>is</i> <i>dh</i>

- 12-27-01 *is*
- 1-27-02
- 2-27-02
- 3-27-02
- 4-27-02 *is*

Docket No. JUSTA 13.010A
Docketed I _____

To Be Filed
Docketed II _____

RECEIVED

APR 23 2003

BY

DATE

GROUP 3600

- Filed
- Formal Papers
- Priority document
- Computer
- Ser. No. & filing Date
(Foreign Cases)
- Foreign Filing Docket
- Billed for filing
- Billed for formal papers
- Power to ES/LC/JS
- Refs. rec'd w/appln filed?
- Alpha 4
- ☒ CPA filed

dh 5/22/98
dh 5/22/98
dh 6/3/98
LEH 6/17/2000

LOWED Mailed DKT I II III

FINAL FEE PAID _____

INVENT NO. 6/6/01 *is* *dh*
9/06/01 *is* *dh*

DATE Mailed DKT I II III
2/26/01 *is* *dh*

CLIENT or TITLE
DIVISION OF
CONTINUATION IN PART OF

CANADIAN

INVENTOR

OTHER FOREIGN

SERIAL NO.

Shinichiro HARAOKA, et al.
JUSTA 13.010A



Country Application

Monday, April 14, 2003

Client-Matter: 100794-10141

Country: US

SubCase: A

Client: Fujitsu Ltd.

United States of America

Case Type: CON

Application Status: Pending

Application Number: 09/084,787

Filing Date: 21-May-1998

Publication Number:

Publication Date:

Patent Number:

Issue Date:

Parent/PCT Number:

Parent/PCT Date :

Parent Issue Number:

Parent Issue Date :

Agent:

Expiration Date:

Agent Reference No.:

PTA: 0

Client Code: FUJH

Tax Schedule: LE

Confirmation #:

Related Case: 13010



Country Application

Monday, April 14, 2003

List Of Actions

Action(s) Due	Due Date	Action Taken	
Postcard Follow Up	21-Jul-1998	Due Date	
Information Disclosure Stmtnt	21-Aug-1998	Due Date	
Foreign Filing Reminder	21-Jan-1999	Due Date	
2 MONTH RESPONSE	09-Apr-1999	Due Date	28-Apr-1999
3 MON RESPONSE	09-May-1999	Due Date	28-Apr-1999
Foreign Filing Due	21-May-1999	Final	
1 MON EXTENSION	09-Jun-1999	Reminder	28-Apr-1999
2 MON EXTENSION	09-Jul-1999	Reminder	28-Apr-1999
6 MON FINAL	09-Aug-1999	Final	28-Apr-1999
Rec. to Client	27-Sep-1999	Reminder	
3 MONTH ACTION Follow Up Date	28-Oct-1999	Due Date	
FINAL 3 MON	16-Nov-1999	Due Date	16-Nov-1999
Application Status Check	21-Nov-1999	Due Date	
FINAL 1 MON EXT	16-Dec-1999	Reminder	16-Nov-1999
FINAL 2 MON EXT	16-Jan-2000	Reminder	16-Nov-1999
2 MONTH RESPONSE	07-Feb-2000	Due Date	05-May-2000
FINAL 6 MON	16-Feb-2000	Final	16-Nov-1999
3 MON RESPONSE	07-Mar-2000	Due Date	05-May-2000
FOLLOW UP	16-Mar-2000	Reminder	16-Nov-1999
1 MON EXTENSION	07-Apr-2000	Reminder	05-May-2000
2 MON EXTENSION	07-May-2000	Reminder	05-May-2000
FINAL 3 MONTH Follow Up Date	16-May-2000	Due Date	
6 MON FINAL	07-Jun-2000	Final	05-May-2000
2 MONTH RESPONSE	23-Aug-2000	Due Date	
3 MON RESPONSE	23-Sep-2000	Due Date	
1 MON EXTENSION	23-Oct-2000	Reminder	
3 MONTH ACTION Follow Up Date	05-Nov-2000	Due Date	
2 MON EXTENSION	23-Nov-2000	Reminder	
6 MON FINAL	23-Dec-2000	Final	
CPA FOLLOW-UP	26-Feb-2001	Reminder	
2 MONTH RESPONSE	06-May-2001	Due Date	03-Jul-2001
3 MON RESPONSE	06-Jun-2001	Due Date	03-Jul-2001
1 MON EXTENSION	06-Jul-2001	Reminder	03-Jul-2001

Country Application

Monday, April 14, 2003

2 MON EXTENSION	06-Aug-2001	Reminder	03-Jul-2001
6 MON FINAL	06-Sep-2001	Final	03-Jul-2001
1 Month to Due Date	27-Nov-2001	Reminder	20-Mar-2002
3 Month Due Date	27-Dec-2001	Due Date	20-Mar-2002
3 MONTH ACTION Follow Up Date	03-Jan-2002	Due Date	
1st Extension	27-Jan-2002	Reminder	20-Mar-2002
2nd Extension	27-Feb-2002	Reminder	20-Mar-2002
2 Weeks to Final Date	14-Mar-2002	Due Date	20-Mar-2002
6 Month Final Date	27-Mar-2002	Final	20-Mar-2002
7 Month. Is brief needed	27-Apr-2002	Due Date	20-Mar-2002
US-Final Office Follow Up Date	20-Sep-2002	Due Date	

User ID: Damaris

Date Created: 05-Feb-1999

Last Update: 11-Mar-2001